

CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2032

Department of Planning and Building
Zoning Division

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Sent via U.S. Mail

June 30, 2017

Joe Hernon – The Hernon Group
650 B Fremont Avenue #375
Los Altos, CA 94024

RE: Case File No.: PLN15-258; 411 W. MacArthur Blvd. (APN: 012-0945-046-01)

Dear Mr. Hernon,

Your application, as described below, has been **APPROVED** for the reasons stated in Attachment A, which contains the findings required to support this decision. Attachment B and C contains the Conditions of Approval for the project. This decision is effective ten (10) days after the date of this letter unless appealed as explained below.

The following table summarizes the proposed project:

Proposal:	To demolish existing vacant structure and construct a new mixed-use building involving 20 residential units and ground floor commercial space.
Owner:	Joseph Hernon
Planning Permits Required:	Regular Design Review for new construction, and Minor Variance for a zero rear yard setback where 10 feet minimum is required.
General Plan:	Neighborhood Center Mixed Use
Zoning:	CN-3 Neighborhood Center Mixed Use Zone
Environmental Determination:	A detailed CEQA Analysis prepared for this project concluded that the proposed project, separately and independently, satisfies each of the following CEQA provisions: 15183 – Projects consistent with a community plan, general plan, or zoning; 15183.3 – Streamlining for in-fill projects; and/or 15164 – Addenda to the City of Oakland General Plan Land Use and Transportation Element (LUTE) (1998), Housing Element; Broadway /MacArthur/San Pablo Redevelopment Plan Specific Plan EIR (ER11-001)(2011); The CEQA Analysis document may be reviewed at the Planning Bureau offices at 250 Frank Ogawa Plaza, 2 nd Floor, Oakland CA 94612, or online-at: http://www2.oaklandnet.com/oakcal/groups/ceda/documents/agenda/oak063983.pdf
Historic Status:	Not a Potential Designated Historic Property (PDHP); Survey rating: N/A
City Council District:	3

If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten calendar (10) days from the date of this letter, by **July 10, 2017, 4:00 pm**. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Maurice Brenyah-Addow, Planner III**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or wherein his/her decision is not supported by substantial evidence and must include payment of **\$1,622.57** in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the Zoning Manager prior to the close of the previously noticed public comment period on the matter.

A signed Notice of Exemption (NOE) is enclosed certifying that the project has been found to be exempt from CEQA review. It is your responsibility to record the NOE and the Environmental Declaration at the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of \$50.00 made payable to the Alameda County Clerk. Please bring the original NOE related documents and five copies to the Alameda County Clerk, and return one date stamped copy to the Zoning Division, to the attention of **Maurice Brenyah-Addow, Planner III**. Pursuant to Section 15062(d) of the California Environmental Quality Act (CEQA) Guidelines, recordation of the NOE starts a 35-day statute of limitations on court challenges to the approval under CEQA.

A CEQA Analysis was prepared for the project and therefore, within five working days of the date of the announcement of the decision, you **must** record a Notice of Determination (NOD) and the Environmental Declaration with the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a total cost of \$2,260.25 made payable to the Alameda County Clerk. To record these documents, please take the original NOD related documents and four copies to the Alameda County Clerk, and return one date stamped copy to the Zoning Division, to the attention of **Maurice Brenyah-Addow, Planner III**. Pursuant to Section 15075(e) of CEQA Guidelines, recordation of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA.

If you have any questions, please contact the case planner, **Maurice Brenyah-Addow** at **(510)238-6342** or **mbrenyah@oaklandnet.com**, however, this does not substitute for filing of an appeal as described above.

Very Truly Yours,



SCOTT MILLER
Zoning Manager

cc: Heather Lee, Deputy City Attorney
Gil Hayes, City Surveyor, PWA
Sarah Fine, PWA
Kevin Kashi, PWA
Sara Reeble, 421 W. MacArthur Blvd, Oakland, CA 94609

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Nathaniel Taylor Senior Planner, Lamphier-Gregory, 1944 Embarcadero, Oakland, CA 94606
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Via email:

Miriam Laska, mirlaska@yahoo.com
Christine Lasher, lasherc@gmail.com
Brian Pearson, brian@studiopear.us

Attachments:

- A. Findings
- B. Conditions of Approval including Standard Conditions of Approvals and by reference incorporating the SCA/MMRP from the May, 2017 CEQA Analysis Document prepared for the project.
- C. Notice of Exemption & Notice of Determination (NOD)

ATTACHMENT A: FINDINGS

This proposal meets the required findings and standards under Section 17.136.050, *Regular Design Review* and Section 17.148.050, *Minor Variance* criteria of the Oakland Planning Code as set forth below. Required findings are shown in normal type; reasons your proposal satisfies them are shown in **bold type**.

SECTION 17.136.050(a)**REGULAR DESIGN REVIEW FINDINGS:**

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures. **The proposed new transit-oriented development creates a multi-story building that responds to its proximity to major transit corridors, including West MacArthur Boulevard, Broadway and Telegraph Avenue. The site is also proximate to the MacArthur BART Station and the State Highway 24 and I-580 freeway. The design incorporates durable exterior materials, such as metal panels, cement panels, cement plaster, terra cotta plank, metal mesh guardrail, glass, and elements that provide visual interest, minimize perceived bulk and enhance the façades to better relate to the surrounding area in their setting, scale, bulk, height, materials and textures.**
2. That the proposed design will protect, preserve or enhance desirable neighborhood characteristics. **The proposed new development is expected to bring more residents and attract new businesses that will bring activity and customers the neighborhood. The design addresses potential negative impacts by setting back the taller mass above the podium from adjacent residentially zoned lots to the south. A CEQA analysis prepared for the project includes a shadow study that concludes impacts would be minimal on surrounding properties, including Mosswood Park. The attached standard conditions of approval are to ensure that all potential negative impacts have been reduced to less than significant.**
3. That the proposed design will be sensitive to the topography and landscape. **The development is expected to involve minimal earthwork for foundations and other site improvements.**
4. That if situated on a hill, the design and massing of the proposed building relates to the grade of the hill. N/A
5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City council. **The proposed project is a multi-unit mixed-use development located along West MacArthur Boulevard, which is a major transit corridor in Oakland and within a walking distance from the MacArthur Bart Station. The project will be a new investment in the community and expected to attract more high-end building development and improvements in the area. The proposed project is consistent with the Neighborhood Center Mixed Use General Plan classification and the following LUTE objectives and policies:**

Objective N3: Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future housing needs of the Oakland community. The project will provide the community with 20 new housing units and ground floor retail space.

Policy N3.1, Facilitating Housing Construction: Facilitating the construction of housing units should be considered a high priority for the City of Oakland. The City of Oakland's Bureau of Planning has streamlined its systems in order to facilitate the construction of new homes and assist developers with navigating the permitting process smoothly and in a timely manner. Staff met with the applicant on several occasions to provide information and direction during the design development of the project.

Policy N3.2, Encouraging Infill Development: In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland. The project is proposed for an urban infill site that would be required to be cleaned up as part of the proposed project. The new development will be an infill development for the currently underutilized site.

SECTION 17.148.050

MINOR VARIANCE FINDINGS:

- 1) That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the Zoning Regulations, due to unique physical or topographical circumstances or conditions of design; or, as an alternative in the case of a Minor Variance, that such strict compliance would preclude an effective design solution improving the livability, operational efficiency, or appearance. **The proposed Minor Variance is to allow a zero-foot rear yard setback for the proposed building (where 10 feet minimum rear setback is required for residential facilities). Staff has determined that the property line adjacent to MacArthur Boulevard is the front of the parcel to be consistent with the existing and desired development pattern, which is to orient the building toward the major corridor. It is anticipated that sites located along the West MacArthur Boulevard thoroughfare would be similarly developed to result in an active neighborhood commercial corridor.**

According to the Planning Code, the rear property line is opposite the front property line. This defines the property line that abuts the rear yard of the abutting residentially zoned properties to the south as the rear of the lot. Due to the shallow, 60-foot depth of the site, providing the required 10-foot rear setback along this rear property line leaves insufficient space for a parking facility and commercial space in the development. The development complies with the ten-foot required setback above the parking podium. Therefore, granting the proposed rear yard Variance allows an effective design solution that allows the ground floor commercial and parking podium to fill the entire site while providing a ten-foot setback for the residential spaces above.

- 2) That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a Minor Variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation. **The intent of the required rear yard setback is to provide relief from the rear yard of abutting properties. In this case, the rear yards of the abutting properties will not be substantially impacted by the variance because the upper stories of the building are**

setback from the rear property line. In the case of a reversed corner lot in a context where the primary street and pattern of development results in a shallow depth lot, Staff believes that strict compliance with the 10-foot rear setback would also preclude a superior design solution such as placing the useable open areas on top of the ground floor podium.

- 3) That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy. **The development will not adversely affect the character, livability, or appropriate development of adjoining properties in any significant way because it will have a massing transition by stepping back the mass above the podium level. This design will minimize visual impacts and address bulk and massing impacts on adjacent residential lots.**
- 4) That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the Zoning Regulations. **The variance will not constitute a grant of special privilege. Together with the conditions of approval, the site will be improved in accordance with the purposes of the Zoning Regulations. Lots with similar constraints have been granted similar variances.**
- 5) That the elements of the proposal requiring the variance (e.g. elements such as buildings, walls, fences, driveways, garages and carports, etc) conform to the Regular Design Review criteria set forth in the design review procedure at Section 17.136.050. **See applicable findings above.**
- 6) For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:
 - a. The proposal, when viewed in its entirety will not adversely impact abutting residences to the side, rear or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing articulation or other design treatments that mitigate any bulk created but the additional height; **N/A.**

Or,

 - b. Over 60 percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by that additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street; however the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance. **N/A.**

CEQA COMPLIANCE FINDINGS

- I. Introduction: These findings are made pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et seq.; “CEQA”) and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.; “CEQA Guidelines”) by the Zoning Manager in connection with the environmental analysis of the effects of implementation of the 411 West MacArthur Boulevard project, as more fully described elsewhere in this Staff Report and City Of Oakland (“City”)-prepared CEQA Analysis document entitled “411 West MacArthur Boulevard CEQA Analysis” dated May 2017 (“CEQA Analysis”) (the “Project”). The City is the lead agency for purposes of compliance with the requirements of CEQA. These CEQA findings are attached and incorporated by reference into each and every decision associated with approval of the Project and are based on substantial evidence in the entire administrative record.
- II. Applicability/Adoption of Previous CEQA Documents
 - A. Adoption of General Plan Land Use and Transportation Element (LUTE) and Certification of 1998 LUTE EIR: The City finds and determines that (a) the Oakland City Council on March 24, 1998 adopted Resolution No. 74129 C.M.S. which adopted the General Plan Land Use and Transportation Element, made appropriate CEQA findings, including certification of the 1998 LUTE Environmental Impact Report (“EIR”); and (b) the LUTE satisfies the description of “Community Plan” set out in Public Resources Code section 21083.3(e) and in CEQA Guidelines section 15183, as well the description of “Planning Level Document” set out in Public Resources Code section 21094.5 and in CEQA Guidelines section 15183.3. The City Council, in adopting the LUTE following a public hearing, approved applicable mitigation measures which are largely the same as those identified in the other Program EIRs prepared after the 1998 LUTE EIR, either as mitigation measures or as a part of newer Standard Conditions of Approval (“SCAs”) which constitute uniformly applied development policies or standards (together with other City development regulations) and determined that the mitigation measures set out in the 1998 LUTE EIR, would substantially mitigate the impacts of the LUTE and future projects thereunder. While approved after certification of the 1998 LUTE EIR, growth and potential effects of the development of the Project would have been considered in the cumulative growth projections factored into the LUTE EIR analysis.
 - B. Adoption of Oakland Housing Element Update (2007-2014 and 2015-2025) and Certification of Oakland Housing Element Update EIR and Addendum: The City finds and determines that (a) the Oakland City Council on December 21, 2010, adopted Resolution No. 83194 C.M.S. which adopted the 2007-2014 Housing Element, made appropriate CEQA findings, including certification of the 2010 Environmental Impact Report (EIR); and (b) the Oakland City Council on November 20, 2014, adopted Resolution No. 85315 C.M.S. which adopted the 2015-2023 Housing Element, made appropriate CEQA findings, including certification of the 2014 Addendum to the 2010 EIR; and (c) the 2010 Housing Element Update EIR satisfies the designation of a “Program EIR” under CEQA Guidelines section 15183 as well the description of “Planning Level Document” set out in Public Resources Code section 21094.5 and in CEQA Guidelines section 15183.3. The City Council, in adopting the Oakland Housing Element Updates following a public hearing, approved applicable mitigation measures and standard conditions of approval and determined that the uniformly applicable development policies or standards, together with the mitigation measures set out in the 2010 Housing Element Update EIR would substantially mitigate the impacts of the Housing Element Update and future projects thereunder.

C. Adoption of the Broadway/MacArthur/San Pablo Redevelopment Specific Plan EIR (2000): The City finds and determines that (a) the Oakland City Council on July 18, 2000 adopted Resolution No.00-40 C.M.S. which adopted the Broadway/MacArthur/San Pablo Redevelopment Specific Plan EIR for the Project Area; and (b) made appropriate CEQA findings including certification of the Broadway/MacArthur/San Pablo Redevelopment Specific Plan EIR; and (c) the Redevelopment Plan EIR satisfies the designation of a "Program EIR" under CEQA guidelines Section 15180, as such subsequent activities are subject to requirements under CEQA Section 15168. The City Council, in adopting the Broadway/MacArthur/San Pablo Redevelopment Specific Plan EIR following a public hearing, approved applicable mitigation measures and standard conditions of approval and determined that the uniformly applicable development policies or standards, together with the mitigation measures set out in the Redevelopment Plan EIR would substantially mitigate the impacts of the Broadway/MacArthur/San Pablo Redevelopment Specific Plan EIR and future projects thereunder.

III. CEQA Analysis Document: The CEQA Analysis and all of its findings, determinations and information is hereby incorporated by reference as if fully set forth herein. The CEQA Analysis concluded that the Project satisfies each of the following CEQA provisions, qualifying the Project for three separate CEQA statutory exemptions and a CEQA categorical exemption as summarized below and provides substantial evidence to support the following findings.

The City hereby finds that, as set forth below and in the checklist attached as part of the CEQA Analysis, the Project is exempt from any additional CEQA Analysis under the "Community Plan Exemption" of Public Resources Code section 21083.3 (CEQA Guidelines §15183) and/or the "Qualified Infill Exemption" under Public Resources section 21094.5 (CEQA Guidelines §15183.3) and/or the "Redevelopment Projects" under Public Resources Code section 21090 (CEQA Guidelines §15180), thus no additional environmental analysis beyond the CEQA Analysis is necessary. The specific statutory exemptions and the categorical exemption are discussed below in more detail.

A. Community Plan Exemption; Public Resources Code Section 21083.3 (CEQA Guidelines §15183): The City finds and determines that, for the reasons set out below and in the CEQA Analysis, the Community Plan Exemption applies to the Project. Therefore, no further environmental analysis is required because all of the Project's effects on the environment were adequately analyzed and mitigation measures provided in the 2010 Oakland Housing Element Update EIR and 2014 Addendum for the evaluation of the housing components of the Project, and the 1998 LUTE EIR for the overall project (collectively called "Previous CEQA Documents"); there are no significant effects on the environment which are peculiar to the Project or to the parcel upon which it is located not addressed and mitigated in the Previous CEQA Documents; and there is no new information showing that any of the effects shall be more significant than described in the Previous CEQA Documents.

As set out in detail in Attachment B to the CEQA Analysis, the City finds that, pursuant to CEQA Guidelines section 15183 and Public Resources Code section 21083.3, the Project is consistent with the development density analyzed in the Previous CEQA Documents and that there are no environmental effects of the Project peculiar to the Project or the Project Site which were not analyzed as significant effects in the Previous CEQA Documents, nor are there potentially significant off-site impacts and cumulative impacts not discussed in the Previous CEQA Documents; nor are any of the previously identified significant effects which, as a result of substantial information not known at the time of certification of the Previous CEQA Documents, are now determined to present a more severe adverse

impact than discussed in the Previous CEQA Documents. As such, no further analysis of the environmental effects of the Project is required.

B. Qualified Infill Exemption; Public Resources Code Section 21094.5 (CEQA Guidelines §15183.3): The City finds and determines that, for the reasons set forth below and in the CEQA Analysis, a Qualified Infill Exemption applies to the Project and no further environmental analysis is required since all the Project's effects on the environment were adequately analyzed and mitigation measures provided in the Previous CEQA Documents; the Project will cause no new specific effects not addressed in the Previous CEQA Documents that are specific to the Project or the Project Site; and there is no substantial new information showing that the adverse environmental effects of the Project are more significant than described in the Previous CEQA Documents.

The City finds that, pursuant to CEQA Guidelines section 15183.3, the CEQA Analysis contains in Attachment C a written analysis consistent with Appendix M to the CEQA Guidelines examining whether the Project will cause any effects that require additional review under CEQA. The contents of Attachment C documents that the Project is located in an urban area satisfying the requirements of CEQA Guidelines section 15183.3 and satisfies the applicable performance standards set forth in Appendix M to the CEQA Guidelines. It also explains how the effects of the Project were analyzed in the Previous CEQA Documents; and indicates that the Project incorporates all applicable mitigation measures and SCAs from the Previous CEQA Documents. Attachment C also determines that the Project will cause no new specific effects not analyzed in the Previous CEQA Documents; determines that there is no substantial new information showing that the adverse environmental effects of the Project are more significant than described in the Previous CEQA Documents, determines that the Project will not cause new specific effects or more significant effects, and documents how uniformly applicable development policies or standards (including, without limitation, the SCAs) will mitigate environmental effects of the Project. Based upon the CEQA Analysis and other substantial evidence in the record, the City finds and determines that no further environmental analysis of the effects of the Project is required.

C. Program EIRs and Redevelopment Projects (CEQA Guidelines §15168 and § 15180): The City finds and determines that for the reasons set forth below and in the CEQA Analysis, that the 2000 Redevelopment Plan EIR applies to the Project and no further environmental analysis is required since all the Project's effects on the environment were adequately analyzed and mitigation measures provided in the 2000 Redevelopment Plan EIR; the Project will cause no new specific effects not addressed in the 2000 Redevelopment Plan EIR that are specific to the Project or the Project Site; and there is no substantial new information showing that the adverse environmental effects of the Project are more significant than described in the 2000 Redevelopment Plan EIR. An addendum was later prepared for the Broadway/MacArthur/San Pablo Redevelopment Specific Plan EIR (2000) in 2011 but it was not adopted due to the dissolution of the Oakland Redevelopment Agency.

IV. Severability: The City finds that all three CEQA provisions discussed and determined to be applicable in Section III above are separately and independently applicable to the consideration of the Project and should any of the three be determined not to be so applicable, such determinations shall have no effect on the validity of these findings and the approval of the Project on any of the other grounds.

V. Incorporation by Reference of Statement of Overriding Considerations: Each of the Previous CEQA Documents identified significant and unavoidable impacts.¹ The 1998 LUTE EIR identified six

¹ If these or any other findings inaccurately identify or fail to list a significant and unavoidable impact identified in the analysis, findings and conclusions of the 1988 LUTE EIR, the 2010 Housing Element and 2014 Addendum EIR, the

areas of environmental effects of the LUTE that presented significant and unavoidable impacts; the 2010 Oakland Housing Element Update EIR and 2014 Addendum identified two areas of environmental effects of the Housing Element Update that presented significant and unavoidable impacts; and the Broadway/MacArthur/San Pablo Redevelopment Specific Plan EIR (2000) identified one area of environmental effects of the Redevelopment Plan that presented significant and unavoidable impacts. Because the Project may contribute to some significant and unavoidable impacts identified in the Previous CEQA Documents identified above, but a Subsequent and/or Supplemental EIR is not required in accordance with CEQA Guidelines sections 15162, 15163, 15164, 15168, 15180, 15183 and 15183.3, a Statement of Overriding Considerations is not legally required. Nevertheless, in the interest of being conservative, the Statements of Overriding Consideration for the 1998 LUTE EIR, adopted by the City Council on March 24, 1998, via Resolution No. 74129 C.M.S.; for the 2010 Oakland Housing Element Update EIR and 2014 Addendum adopted by the Oakland City Council on December 21, 2010, via Resolution No. 83194 C.M.S and on November 20, 2014, via Resolution No. 85315 C.M.S., respectively; and for the Broadway /MacArthur/San Pablo Redevelopment Plan EIR, adopted by the City Council on July 18, 2000, via Resolution No. 00-40 C.M.S, are all hereby incorporated by reference as if fully set forth herein.

Broadway/MacArthur/San Pablo Redevelopment Specific Plan EIR (2000) or their administrative records as a whole, the identification of that impact and any mitigation measure or SCA required to be implemented as part of the Project is not affected.

ATTACHMENT B: CONDITIONS OF APPROVAL

The proposal is hereby approved subject to the following Conditions of Approval:

General Conditions of Approval for all Projects:

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the approved plans dated **May 10, 2016**, and submitted on **May 27, 2016**, and as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

2. Effective Date, Expiration, Extensions and Extinguishment

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. Compliance with Other Requirements

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City’s Bureau of Building, Fire Marshal, and Public Works Department. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.

4. Minor and Major Changes

- a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning
- b. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a new independent permit/approval. Major revisions shall be reviewed in accordance with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

5. Compliance with Conditions of Approval

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City’s Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

6. Signed Copy of the Approval/Conditions

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

7. Blight/Nuisances

The project site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60 days of approval, unless an earlier date is specified elsewhere.

8. Indemnification

- d. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called “City”) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys’ fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called “Action”) against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys’ fees.

- e. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. **Severability**

The Approval would not have been granted but for the applicability and validity of each and every one of the specified Conditions, and if one or more of such Conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid Conditions consistent with achieving the same purpose and intent of such Approval.

10. **Special Inspector/Inspections, Independent Technical Review, Project Coordination and Monitoring**

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The project applicant shall establish a deposit with the Bureau of Building, if directed by the Building Official, Director of City Planning, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

11. **Public Improvements**

The project applicant shall obtain all necessary permits/approvals, such as encroachment permits, obstruction permits, curb/gutter/sidewalk permits, and public improvement (“p-job”) permits from the City for work in the public right-of-way, including but not limited to, streets, curbs, gutters, sidewalks, utilities, and fire hydrants. Prior to any work in the public right-of-way, the applicant shall submit plans for review and approval by the Bureau of Planning, the Bureau of Building, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

- a) Install additional standard City of Oakland streetlights (**Along Streets abutting subject site**).
- b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- c) Reconstruct drainage facility to current City standard.
- d) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- e) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards and address path-of-travel within or around the proposed development such that wheelchairs access is provided at **Along Streets abutting subject site**.
- f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage (**Along Streets abutting subject site**).
- g) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards. (**Along Streets abutting subject site**).

12. Compliance Matrix

The project applicant shall submit a Compliance Matrix, in both written and electronic form, for review and approval by the Bureau of Planning and the Bureau of Building that lists each Condition of Approval (including each mitigation measure if applicable) in a sortable spreadsheet. The Compliance Matrix shall contain, at a minimum, each required Condition of Approval, when compliance with the Condition is required, and the status of compliance with each Condition. For multi-phased projects, the Compliance Matrix shall indicate which Condition applies to each phase. The project applicant shall submit the initial Compliance Matrix prior to the issuance of the first construction-related permit and shall submit an updated matrix upon request by the City.

13. Construction Management Plan

Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management (see applicable Conditions below). The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

14. Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP)

- a. All mitigation measures identified in the *411 W. MacArthur Boulevard Project CEQA Analysis* are included in the Standard Condition of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP) which is included in these Conditions of Approval and are incorporated herein by reference, as Attachment "C", as Conditions of Approval of the project. The Standard Conditions of Approval identified in the *411 W. MacArthur Boulevard Project CEQA Analysis* are also included in the SCAMMRP, and are, therefore, incorporated into these Conditions by reference but are not repeated in these Conditions. To the extent that there is any inconsistency between the SCAMMRP and these Conditions, the more restrictive Conditions shall govern. In the event a Standard Condition of Approval or mitigation measure recommended in the *411 W. MacArthur Boulevard Project CEQA Analysis* has been inadvertently omitted from the SCAMMRP, that Standard Condition of Approval or mitigation measure is adopted and incorporated from the *411 W. MacArthur Boulevard Project CEQA Analysis* into the SCAMMRP by reference, and adopted as a Condition of Approval. The project applicant and property owner shall be responsible for compliance with the requirements of any submitted and approved technical reports, all applicable mitigation measures adopted, and with all Conditions of Approval set forth herein at his/her sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or Condition of Approval, and subject to the review and approval by the City of Oakland. The SCAMMRP identifies the timeframe and responsible party for implementation and monitoring for each Standard Condition of Approval and mitigation measure. Monitoring of compliance with the Standard Conditions of Approval and mitigation measures will be the responsibility of the Bureau of

Planning and the Bureau of Building, with overall authority concerning compliance residing with the Environmental Review Officer. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in section 21081.6 of CEQA.

- b. Prior to the issuance of the first construction-related permit, the project applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

15. Regulatory Permits and Authorizations from Other Agencies

Requirement: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.

When Required: Prior to activity requiring permit/authorization from regulatory agency

Initial Approval: Approval by applicable regulatory agency with jurisdiction; evidence of approval submitted to Bureau of Planning

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

Project-Specific Conditions

16. Public Art for Private Development Condition of Approval

This project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). As a mixed use project, the public art contribution requirement is equivalent to one half percent (0.5%) of building development costs for the project for the residential portion and one percent (1%) of building development costs for the project for the non-residential portion. The contribution requirement can be met through the commission or acquisition and installation of publicly accessible art on the development site, payment of an in-lieu contribution to the City's established public art fund, or satisfaction of alternative compliance methods described in the Ordinance. The applicant shall provide proof of full payment of the in lieu contribution, or provide proof of installation of artwork on the development site prior to the City's issuance of a final certificate of occupancy for each Phase unless a separate, legal binding instrument is executed ensuring compliance within a timely manner, subject to City approval. On-site art installation shall be designed by independent artists, or artists working in conjunction with arts or community organizations, that are verified by the City to either hold a valid Oakland business license and/or be an Oakland-based 501(c)(3) tax designated organization in good standing.

The project sponsor shall allocate the public art funds to hire Oakland-based artists to provide public art on or near the site. The method of calculating public art fees for mixed use developments (as explained below) shall apply:

For projects containing a mix of residential and nonresidential uses, the proportion of the building development cost assessed for the residential or commercial contribution is equal to the proportion of the floor area devoted to such activities. For example, if 80 percent of the floor area of a proposed

new building is residential, then 80 percent of the development costs would be used to determine the residential share of the contribution. The remaining 20 percent of development cost would be used to determine the nonresidential share of the contribution fee.

When Required: Prior to issuance of Final Certificate of Occupancy for the first unit and Ongoing Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

17. **Development Impact Fees**

The project shall be subject to, and Applicant shall agree to pay, any applicable development impact fees adopted by the City Council unless a vested right is obtained prior to the impact fee adoption date and such project is diligently pursued toward completion, as reasonably determined by the Planning Director or designee.

Applicant Statement

I have read and accept responsibility for the Conditions of Approval. I agree to abide by and conform to the Conditions of Approval, as well as to all provisions of the Oakland Planning Code and Oakland Municipal Code pertaining to the project.

Name of Project Applicant

Signature of Project Applicant

Date

ATTACHMENT A: CITY OF OAKLAND – STANDARD CONDITIONS OF APPROVAL

The City of Oakland's Uniformly Applied Development Standards, adopted as Standard Conditions of Approval (Standard Conditions of Approval, or SCAs), were originally adopted by the City in 2008 (Ordinance No. 12899 C.M.S.) pursuant to Public Resources Code section 21083.3) and have been incrementally updated over time. The SCAs incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection, Stormwater Water Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) permit requirements, Housing Element-related mitigation measures, Green Building Ordinance, historic/Landmark status, California Building Code, and Uniform Fire Code, among others), which have been found to substantially mitigate environmental effects.

These SCAs are incorporated into Projects as conditions of approval, regardless of the determination of a Project's environmental impacts. As applicable, the SCAs are adopted as requirements of an individual Project when it is approved by the City, and are designed to, and will, avoid or substantially reduce a Project's environmental effects.

In reviewing Project applications, the City determines which SCAs apply based upon the zoning district, community plan, and the type of permits/approvals required for the Project. Depending on the specific characteristics of the Project type and/or Project site, the City will determine which SCAs apply to a specific Project. Because these SCAs are mandatory City requirements imposed on a city-wide basis, environmental analyses assume that these SCAs will be imposed and implemented by the Project, and are not imposed as mitigation measures under CEQA.

All SCAs identified in the CEQA Analysis—which are consistent with the measures and conditions presented in the City of Oakland General Plan, Land Use and Transportation EIR (LUTE EIR, 1998)—are included herein. To the extent that any SCA identified in the CEQA Analysis was inadvertently omitted, it is automatically incorporated herein by reference.

- The first column identifies the SCA applicable to that topic in the CEQA Analysis.
- The second column identifies the monitoring schedule or timing applicable to the Project.
- The third column names the party responsible for monitoring the required action for the Project.

In addition to the SCAs identified and discussed in the CEQA Analysis, other SCAs that are applicable to the Project are included herein.

The Project sponsor is responsible for compliance with any recommendations in approved technical reports and with all SCAs set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific SCA, and subject to the review and approval of the City of Oakland. Overall monitoring and compliance with the SCAs will be the responsibility of the Planning and Zoning Division. Prior to the issuance of a demolition, grading, and/or construction permit, the Project sponsor shall pay

the applicable mitigation and monitoring fee to the City in accordance with the City’s Master Fee Schedule.

Note that the SCAs included in this document are referred to using an abbreviation for the environmental topic area and are numbered sequentially for each topic area—i.e., SCA-AIR-1, SCA-AIR-2, etc. The SCA title and the SCA number that corresponds to the City’s master SCA list are also provided in the Appendix listing—i.e., SCA-AIR-1: Construction-Related Air Pollution (Dust and Equipment Emissions) (#19).

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
Aesthetics, Shadow and Wind			
<p>SCA-AES-1: Graffiti Control. (#16)</p> <p>a. During construction and operation of the Project, the Project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:</p> <ul style="list-style-type: none"> i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces. ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces. iii. Use of paint with anti-graffiti coating. iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement. <p>b. The Project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include:</p> <ul style="list-style-type: none"> i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system. ii. Covering with new paint to match the color of the surrounding surface. iii. Replacing with new surfacing (with City permits if required). 	Ongoing	N/A	Bureau of Building
<p>SCA-AES-2: Landscape Plan. (#17)</p> <p>a. <i>Landscape Plan Required</i></p> <p>The Project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code.</p>	Prior to approval of construction-related permit	Bureau of Planning	N/A
<p>b. <i>Landscape Installation</i></p>	Prior to building	Bureau of	Bureau of

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
The Project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.	permit final	Planning	Building
c. Landscape Maintenance All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.	Ongoing	N/A	Bureau of Building
SCA-AES-3: Lighting. (#18) Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.	Prior to building permit final	N/A	Bureau of Building
Air Quality			
SCA-AIR-1: Construction-Related Air Pollution (Dust and Equipment Emissions). (#19) The Project applicant shall implement all of the following applicable air pollution control measures during construction of the Project: a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible. b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. d. Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used. e. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). f. Limit vehicle speeds on unpaved roads to 15 miles per hour. g. Idling times on all diesel-fueled commercial vehicles over	During construction	N/A	Bureau of Planning

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.</p> <p>h. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").</p> <p>i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.</p>			
<p>Note: Screening analysis demonstrated that the Project would be below the applicable threshold. No further action is required under this SCA.</p> <p>SCA-AIR-2: Exposure to Air Pollution (Toxic Air Contaminants). (#20)</p> <p><i>a. Health Risk Reduction Measures</i></p> <p>The Project applicant shall incorporate appropriate measures into the Project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The Project applicant shall choose <u>one</u> of the following methods:</p> <p>i. The Project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of Project residents/occupants/ users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City.</p>	Prior to Approval of Construction-Related Permit	Bureau of Planning	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p align="center">– or –</p> <p>ii. The Project applicant shall incorporate the following health risk reduction measures into the Project. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> • Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the Project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building’s HVAC air filtration system shall be required. • Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph). • Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible. • The Project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods. • Sensitive receptors shall be located on the upper floors of buildings, if feasible. • Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid poplar (<i>Populus deltoids X trichocarpa</i>), and Redwood (<i>Sequoia sempervirens</i>). • Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible. • Existing and new diesel generators shall meet CARB’s Tier 4 emission standards, if feasible. • Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible: <ul style="list-style-type: none"> • Installing electrical hook-ups for diesel trucks at loading docks. • Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards. • Requiring truck-intensive Projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels. • Prohibiting trucks from idling for more than two minutes. • Establishing truck routes to avoid sensitive receptors in the Project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented. 			

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>b. Maintenance of Health Risk Reduction Measures:</p> <p>The Project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the Project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.</p>	Ongoing	N/A	Bureau of Building
<p>Note: No stationary sources of TAC emissions (e.g., backup generator) are proposed for the Project. Thus, no further action is required under this SCA.</p> <p>SCA-AIR-3: Stationary Sources of Air Pollution (Toxic Air Contaminants). (#21) The Project applicant shall incorporate appropriate measures into the Project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants.</p>	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building
Biological Resources			
<p>SCA-BIO-1 Bird Collision Reduction Measures. (#25)</p> <p>The project applicant shall submit a Bird Collision Reduction Plan for City review and approval to reduce potential bird collisions to the maximum feasible extent. The Plan shall include all of the following mandatory measures, as well as applicable and specific project Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent. The project applicant shall implement the approved Plan. Mandatory measures include <u>all</u> of the following:</p> <ul style="list-style-type: none"> i. For large buildings subject to federal aviation safety regulations, install minimum intensity white strobe lighting with three second flash instead of solid red or rotating lights. ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures. iii. Monopole structures or antennas shall not include guy wires. iv. Avoid the use of mirrors in landscape design. v. Avoid placement of bird-friendly attractants (i.e., landscaped areas, vegetated roofs, water features) near glass unless shielded by architectural features taller than the attractant that incorporate bird friendly treatments no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule), as explained below. vi. Apply bird-friendly glazing treatments to no less than 90 percent of all windows and glass between the ground and 60 feet above ground or to the height of existing adjacent landscape or the height of the proposed landscape. Examples of bird-friendly glazing treatments 	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Planning

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>include the following:</p> <ul style="list-style-type: none"> • Use opaque glass in window panes instead of reflective glass. • Uniformly cover the interior or exterior of clear glass surface with patterns (e.g., dots, stripes, decals, images, abstract patterns). Patterns can be etched, fritted, or on films and shall have a density of no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule). • Install paned glass with fenestration patterns with vertical and horizontal mullions no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule). • Install external screens over non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects. • Install UV-pattern reflective glass, laminated glass with a patterned UV-reflective coating, or UV-absorbing and UV-reflecting film on the glass since most birds can see ultraviolet light, which is invisible to humans. • Install decorative grilles, screens, netting, or louvers, with openings no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule). • Install awnings, overhangs, sunshades, or light shelves directly adjacent to clear glass which is recessed on all sides. • Install opaque window film or window film with a pattern/design which also adheres to the “two-by-four” rule for coverage. <p>vii. Reduce light pollution. Examples include the following:</p> <ul style="list-style-type: none"> • Extinguish night-time architectural illumination treatments during bird migration season (February 15 to May 15 and August 15 to December 30). • Install time switch control devices or occupancy sensors on non-emergency interior lights that can be programmed to turn off during non-work hours and between 11:00 p.m. and sunrise. • Reduce perimeter lighting whenever possible. • Install full cut-off, shielded, or directional lighting to minimize light spillage, glare, or light trespass. • Do not use beams of lights during the spring (February 15 to May 15) or fall (August 15 to December 30) migration. 			

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>viii. Develop and implement a building operation and management manual that promotes bird safety. Example measures in the manual include the following:</p> <ul style="list-style-type: none"> • Donation of discovered dead bird specimens to an authorized bird conservation organization or museums (e.g., UC Berkeley Museum of Vertebrate Zoology) to aid in species identification and to benefit scientific study, as per all federal, state and local laws. • Distribution of educational materials on bird-safe practices for the building occupants. Contact Golden Gate Audubon Society or American Bird Conservancy for materials. • Asking employees to turn off task lighting at their work stations and draw office blinds, shades, curtains, or other window coverings at end of work day. • Install interior blinds, shades, or other window coverings in windows above the ground floor visible from the exterior as part of the construction contract, lease agreement, or CC&Rs. • Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible. 			
Cultural Resources			
<p>SCA-CUL-1: Archaeological and Paleontological Resources – Discovery During Construction. (#29) Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the Project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, Project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the Project site while measures for the cultural resources are implemented. In the event of data recovery of archaeological resources, the Project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to</p>	During construction	N/A	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the Project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The Project applicant shall implement the ARDTP at his/her expense.</p> <p>In the event of excavation of paleontological resources, the Project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the Project applicant.</p>			

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>SCA-CUL-2: Archaeologically Sensitive Areas—Pre-Construction Measures. (#30)</p> <p><u>Requirement:</u> The project applicant shall implement either Provision A (Intensive Pre-Construction Study) <u>or</u> Provision B (Construction ALERT Sheet) concerning archaeological resources.</p> <p>Provision A: Intensive Pre-Construction Study.</p> <p>The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:</p> <ol style="list-style-type: none"> a. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources. b. A report disseminating the results of this research. c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources. <p>If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior’s Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.</p>	<p>Prior to approval of construction-related permit; during construction</p>	<p>Bureau of Building</p>	<p>Bureau of Building</p>

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Provision B: Construction ALERT Sheet.</p> <p>The project applicant shall prepare a construction “ALERT” sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project’s prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.</p> <p>The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City’s Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.</p>			
<p>SCA-CUL-3: Human Remains – Discovery during Construction. (#31)</p> <p>Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the Project site during construction activities, all work shall immediately halt and the Project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the Project applicant.</p>	During Construction	N/A	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
Geology and Soils			
SCA-GEO-1: Construction-Related Permit(s). (#33) The Project applicant shall obtain all required construction-related permits/approvals from the City. The Project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building
SCA-GEO-2: Soils Report. (#34) The Project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and Project design. The Project applicant shall implement the recommendations contained in the approved report during Project design and construction.	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building
Hazards and Hazardous Materials			
SCA-HAZ-1: Hazardous Materials Related to Construction. (#39) The Project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following: <ul style="list-style-type: none"> a. Follow manufacture’s recommendations for use, storage, and disposal of chemical products used in construction; b. Avoid overtopping construction equipment fuel gas tanks; c. During routine maintenance of construction equipment, properly contain and remove grease and oils; d. Properly dispose of discarded containers of fuels and other chemicals; e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the Project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City’s Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.	During construction	N/A	Bureau of Building
SCA-HAZ-2: Hazardous Building Materials and Site Contamination. (#40)	Prior to Approval of demolition,	Bureau of Building	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>a. Hazardous Building Materials Assessment</p> <p>The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p>	grading, or building Permit		
<p>b. Environmental Site Assessment Required</p> <p>The Project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the Project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The Project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p>	Prior to approval of construction-related permit	Applicable regulatory agency with jurisdiction	Applicable regulatory agency with jurisdiction
<p>c. Health and Safety Plan Required</p> <p>The Project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect Project construction workers from risks associated with hazardous materials. The Project applicant shall implement the approved Plan.</p>	Prior to Approval of Construction-Related Permit	Bureau of Building	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p><i>d Best Management Practices (BMPs) Required for Contaminated Sites</i></p> <p>The Project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:</p> <ul style="list-style-type: none"> i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements. ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building. 	During construction	N/A	Bureau of Building
<p>SCA-HAZ-3: Hazardous Materials Business Plan. (#41)</p> <p>The Project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the Project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:</p> <ul style="list-style-type: none"> a. The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids. b. The location of such hazardous materials. c. An emergency response plan including employee training information. <p>A plan that describes the manner in which these materials are handled, transported, and disposed.</p>	Prior to building permit final	Oakland Fire Department	Oakland Fire Department
<p>SCA HAZ-4: Asbestos in Structures (#23)</p> <p>The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.</p>	Prior to Approval of Construction-Related Permit	Applicable regulatory agency with jurisdiction	Applicable regulatory authority with jurisdiction

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
Hydrology and Water Quality			
<p>SCA-HYDRO-1: Erosion and Sedimentation Control Plan for Construction. (#45)</p> <p><i>a. Erosion and Sedimentation Control Plan Required</i></p> <p>The Project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. The Plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the Project applicant may be necessary. The Project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the City. The Plan shall specify that, after construction is complete, the Project applicant shall ensure that the storm drain system shall be inspected and that the Project applicant shall clear the system of any debris or sediment.</p>	Prior to Approval of Construction-Related Permit	Bureau of Building	N/A
<p><i>b. Erosion and Sedimentation Control During Construction Requirement:</i> The Project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.</p>	During Construction	N/A	Bureau of Building
<p>SCA-HYDRO-2: Site Design Measures to Reduce Stormwater Runoff (#48)</p> <p>Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate site design measures into the project to reduce the amount of stormwater runoff. These measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a. Minimize impervious surfaces, especially directly connected impervious surfaces and surface parking areas; b. Utilize permeable paving in place of impervious paving where appropriate; c. Cluster structures; d. Direct roof runoff to vegetated areas; e. Preserve quality open space; and f. Establish vegetated buffer areas. 	Ongoing	N/A	N/A

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>SCA-HYDRO-3: Source Control Measures to Limit Stormwater Pollution (#49)</p> <p>Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate source control measures to limit pollution in stormwater runoff. These measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a. Stencil storm drain inlets “No Dumping – Drains to Bay;” b. Minimize the use of pesticides and fertilizers; c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas; d. Cover trash, food waste, and compactor enclosures; and e. Plumb the following discharges to the sanitary sewer system, subject to City approval: f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants; g. Dumpster drips from covered trash, food waste, and compactor enclosures; h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories; i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and j. Fire sprinkler test water, if discharge to on-site vegetated areas is not feasible. 	Ongoing	N/A	N/A
<p>SCA-HYDRO-4: NPDES C.3 Stormwater Requirements for Small Projects. (#51)</p> <p>Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant shall incorporate one or more of the following site design measures into the project:</p> <ul style="list-style-type: none"> a. Direct roof runoff into cisterns or rain barrels for reuse; b. Direct roof runoff onto vegetated areas; c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas; d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas; e. Construct sidewalks, walkways, and/or patios with permeable surfaces; or f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces. <p>The project drawings submitted for construction-related permits shall include the proposed site design measure(s) and the approved measure(s) shall be installed during construction. The design and installation of the measure(s) shall comply with all applicable City requirements.</p>	Prior to Approval of Construction-Related Permit	Bureau of Planning; Bureau of Building	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>b. Maintenance Agreement Required</p> <p>The Project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:</p> <ul style="list-style-type: none"> i. The Project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the Project until the responsibility is legally transferred to another entity; and ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. <p>The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.</p>	Prior to Building Permit Final	Bureau of Building	Bureau of Building
Noise			
<p>SCA-NOI-1: Construction Days/Hours. (#58)</p> <p>The Project applicant shall comply with the following restrictions concerning construction days and hours:</p> <ul style="list-style-type: none"> a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday. c. No construction is allowed on Sunday or federal holidays. <p>Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.</p> <p>Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The Project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above</p>	During Construction	N/A	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
days/hours, the Project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.			
<p>SCA-NOI-2: Construction Noise. (#59)</p> <p>The Project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> Equipment and trucks used for Project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for Project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures. Applicant shall use temporary power poles instead of generators where feasible. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented. 	During Construction	N/A	Bureau of Building
<p>SCA-NOI-3: Extreme Construction Noise. (#60)</p> <p><i>a. Construction Noise Management Plan Required</i></p> <p>Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the Project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The Project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> Erect temporary plywood noise barriers around the 	Prior to Approval	Bureau of Building	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>construction site, particularly along on sites adjacent to residential buildings;</p> <p>ii. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;</p> <p>iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;</p> <p>iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and</p> <p>v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.</p> <p>Based on the potential noise impacts from construction equipment to nearby sensitive receptors, the following draft site-specific noise attenuation measures are additionally recommended for inclusion in the Construction Noise Management Plan:</p> <ul style="list-style-type: none"> • Temporary noise barriers will be placed between the proposed construction activities and nearby receptors. The noise barriers may be constructed from plywood and installed on top of a portable concrete K-Rail system to be able to move and/or adjust the wall location during construction activities. A sound blanket system hung on scaffolding, or other noise reduction materials that result in an equivalent or greater noise reduction than plywood, may also be used. Due to the proximity of the commercial and apartment buildings located at the northern and southern borders of Project site, respectively, the use of Sound Transmission Class (STC) rated materials, or other materials that could similarly provide high levels of noise reduction above what plywood or sound blankets alone could provide, should be incorporated into the design of the noise barriers installed at these borders. An STC rating roughly equals the decibel reduction in noise volume that a wall, window, or door can provide. Therefore, using STC-rated materials could substantially increase the level of noise reduction provided by the barrier. The composition, location, height, and width of the barriers during different phases of construction will be determined by a qualified acoustical consultant and incorporated into the Construction Noise Management Plan for the Project. • Best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) will be used for Project equipment and trucks during construction wherever feasible. For example, exhaust mufflers on pneumatic tools can lower noise levels by up to about 10 dBA and external jackets can lower noise levels by up to about 5 dBA. 			

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<ul style="list-style-type: none"> Noise control blankets will be utilized on the building structure as the building is erected to reduce noise emission from the site. The use of noise control blankets will particularly be targeted to cover the levels of the building that have line of sight with the windows of adjacent receptors; Construction equipment will be positioned as far away from noise-sensitive receptors as possible. The Project site is surrounded by hard surfaces, and therefore, for every doubling of the distance between a given receptor and construction equipment, noise will be reduced by approximately 6 dBA. <p><i>b. Public Notification Required</i></p> <p>The Project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the Project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.</p>			
<p>SCA-NOI-4: Project Specific Construction Noise Reduction Measures</p> <p>Requirement: The project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction noise impacts. The project applicant shall implement the approved Plan during construction</p>	Prior to Approval of Construction-Related Permit	Bureau of Building	Bureau of Building
<p>SCA-NOI-5: Exposure to Community Noise. (#63)</p> <p>The Project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:</p> <ul style="list-style-type: none"> a. 45 dBA: Residential activities, civic activities, hotels. b. 50 dBA: Administrative offices; group assembly activities. c. 55 dBA: Commercial activities. d. 65 dBA: Industrial activities. 	Prior to Approval of Construction-Related Permit	Bureau of Planning	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>SCA-NOI-6: Operational Noise. (#64)</p> <p>Noise levels from the Project site after completion of the Project (i.e., during Project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.</p>	Ongoing	N/A	Bureau of Building
Transportation /Traffic			
<p>SCA-TRANS-1: Construction Activity in the Public Right-of-Way. (#68)</p> <p><i>a. Obstruction Permit Required</i></p> <p>The Project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets and sidewalks.</p>	Prior to Approval of Construction Related Permit	Bureau of Building	Bureau of Building
<p><i>b. Traffic Control Plan Required</i></p> <p>In the event of obstructions to vehicle or bicycle travel lanes, the Project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The Project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Project applicant shall implement the approved Plan during construction.</p>	Prior to Approval of Construction Related Permit	Public Works Department, Transportation Services Division	Bureau of Building
<p><i>c. Repair City Streets</i></p> <p>The Project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by Project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.</p>	Prior to Building Permit Final	N/A	Bureau of Building
<p>SCA-TRANS-2: Bicycle Parking. (#69)</p> <p>The Project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The Project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.</p>	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building
Utilities and Service Systems			
<p>SCA-UTIL-1: Construction and Demolition Waste Reduction and Recycling. (#74)</p> <p>The Project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and</p>	Prior to Approval of Construction-Related Permit	Public Works Department, Environmental Services Division	Public Works Department, Environmental Services Division

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the Project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalo.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.</p>			
<p>SCA-UTIL-2: Underground Utilities. (#75)</p> <p>The Project applicant shall place underground all new utilities serving the Project and under the control of the Project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the Project's street frontage and from the Project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.</p>	During Construction	N/A	Bureau of Building
<p>SCA-UTIL-3: Recycling Collection and Storage Space. (#76)</p> <p>The Project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The Project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential Projects, at least two cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential Projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.</p>	Prior to Approval of Construction-Related Permit	Bureau of Planning	Bureau of Building
<p>SCA-UTIL-4: Green Building Requirements. (#77)</p> <p><i>a. Compliance with Green Building Requirements During Plan-Check</i></p> <p>The Project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).</p> <p>i. The following information shall be submitted to the City for review and approval with the application for a building permit:</p> <ul style="list-style-type: none"> • Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards. • Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit. 	Prior to Approval of Construction-Related Permit	Bureau of Building	N/A

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<ul style="list-style-type: none"> • Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit. • Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below. • Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the Project complied with the requirements of the Green Building Ordinance. • Signed statement by the Green Building Certifier that the Project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit. • Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. <p>li. The set of plans in subsection (i) shall demonstrate compliance with the following:</p> <ul style="list-style-type: none"> • CALGreen mandatory measures. • All pre-requisites per the green building checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit. • A minimum of 23 points (3 Community; 6 IAQ/Health; 6 Resources; 8 Water) as defined by the Green Building Ordinance for Residential New Construction. • All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted. • The required green building point minimums in the appropriate credit categories. 			
<p><i>b. Compliance with Green Building Requirements During Construction</i></p> <p>The Project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the Project.</p> <p>The following information shall be submitted to the City for review and approval:</p> <ul style="list-style-type: none"> i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit. ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the Project complies with the requirements of the Green Building Ordinance. iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. 	During Construction	N/A	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p><i>c. Compliance with Green Building Requirements After Construction</i></p> <p>Within sixty (60) days of the final inspection of the building permit for the Project, the Green Building Certifier shall submit the appropriate documentation to Build It Green and attain the minimum required certification/point level. Within one year of the final inspection of the building permit for the Project, the applicant shall submit to the Bureau of Planning the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.</p>	After Project Completion as Specified	Bureau of Planning	Bureau of Building
<p>SCA-UTIL-5: Sanitary Sewer System. (#79)</p> <p>The Project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-Project and post-Project wastewater flow from the Project site. In the event that the Impact Analysis indicates that the net increase in Project wastewater flow exceeds City-Projected increases in wastewater flow in the sanitary sewer system, the Project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.</p>	Prior to Approval of Construction-Related Permit	Public Works Department, Department of Engineering and Construction	N/A
<p>SCA-UTIL-6: Storm Drain System. (#80)</p> <p>The Project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the Project site shall be reduced by at least 25 percent compared to the pre-Project condition.</p>	Prior to Approval of Construction-Related Permit	Bureau of Building	Bureau of Building